



भारत का वाचपत्र

The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 2
PART II — Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं 18] नई दिल्ली, शुक्रवार, दिसम्बर 17, 2004/ अग्रहायण 26, 1926
No. 18] NEW DELHI, FRIDAY, DECEMBER 17, 2004/ AGRAHAYANA 26, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 17th December, 2004:—

BILL NO. 74 OF 2004

A Bill to further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Bill, 2004.
Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. After article 100 of the Constitution, the following heading and article shall be inserted, namely:—
- Insertion of new article 100A.

Recall of Members

“100A. (1) Parliament may by law provide that a member of either House of Parliament may be recalled by the electorate which elected him on all or any of the following grounds:—

- (a) physical or mental incapacity rendering that member incapable of performing the functions of the office; or

Right to recall the Member of Parliament.

(b) misconduct or misbehaviour likely to bring hatred, ridicule, contempt or disrepute to the office; or

(c) persistent deserting of the electorate without reasonable cause; or

(d) any other ground which may be prescribed by law.

(2) If a member of either House of Parliament is recalled under the provisions of law enacted in accordance with clause (1), his seat shall thereupon become vacant.”

STATEMENT OF OBJECTS AND REASONS

It is always presumed that in a democracy, power ultimately rests with the people, the electorate. But in our Constitution there is no provision by which the people can exercise this power and recall their elected representative if he forfeits their confidence or behaves in an irresponsible manner. This helps to create conditions favourable for irresponsible behaviour, political defection and various other corrupt practices on the part of legislators. They feel that they are not accountable to their electorate for five years, if they are once elected.

This is an important aspect which weakens our democracy. In the past, there have been instances when, in several States in our country, people challenged the authority of elected legislators in the street saying that they have lost confidence in their elected representatives. They had practically no constitutional remedy for redressing their grievances. This led to an explosive situation which threatened the very existence of our democracy.

In this background, it is necessary to include a provision in our Constitution to provide the electorate the Right to Recall, as has been provided in the Constitution of the Republic of Uganda and may be in some other countries. The Constitution of Uganda provides the electorate the right to recall a Member of Parliament before the expiry of the term in certain circumstances mentioned therein. Inclusion of a similar provision in our Constitution would not only strengthen our democracy but also make the legislators more accountable to the people whom they represent. In the changing political scenario, the general public opinion is in favour of making this kind of provisions in our Constitution.

Hence this Bill.

NEW DELHI;
June 8, 2004

C. K. CHANDRAPPAN.

BILL NO. 79 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 239AA of the Constitution, in clause (2), in sub-clause (b), for the words "Scheduled Castes", the words "the Scheduled Castes and the women" shall be substituted.

3. After article 330 of the Constitution, the following article shall be inserted, namely:—

"330A. (1) Seats shall be reserved for women in the House of the People.

(2) As nearly as may be, one-third of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Short title
and
commencement.

Amendment
of article
239AA.

Insertion of
new article
330A.

Reservation
of seats for
women in the
House of the
People.

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory is one, then, in every block comprising of three general elections to the House of the People, the seat in the first general election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes and no seat shall be so reserved in the other two general elections:

Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory are two, then, in every block comprising of three general elections to the House of the People,—

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the third general elections.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to the House of the People in a State or Union territory shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State or Union territory:

Provided that where the seat, not being a seat reserved for the Scheduled Castes or the Scheduled Tribes, in relation to a State or Union territory is one, then, in every block comprising of three general elections to the House of the People, the seat in the first general election shall be reserved for women and no seat shall be so reserved for women in the other two general elections:

Provided further that where the seats, not being seats reserved for the Scheduled Castes or the Scheduled Tribes, in relation to a State or Union territory are two, then, in every block comprising of three general elections to the House of the People,—

(a) one seat shall be reserved for women in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women in the third general election."

4. In article 331 of the Constitution, the following proviso shall be inserted at the end, namely:—

Amendment
of article 331.

"Provided that where such nominations are made, in relation to every block comprising of three general elections to the House, one seat shall be reserved for nomination of a woman of Anglo-Indian community to every House constituted after first two general elections and no seat shall be reserved for the women of that community in the House constituted after the third general election."

5. After article 332 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
332A.

"332A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(2) As nearly as may be, one-third of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Reservation
of seats for
women in the
Legislative
Assemblies of
the States.

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State is one, then, in every block comprising

of three general elections to the Legislative Assembly of that State, the seat in the first general election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Provided further that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State are two, then, in every block comprising of three general elections to the Legislative Assembly of that State,—

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the third general election.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State.”.

6. In article 333 of the Constitution, the following proviso shall be inserted at the end, namely:—

“Provided that where such nomination is made, in relation to every block comprising of three general elections to the Assembly, the seat in the Assembly constituted after the first general election shall be reserved for nomination of a woman of the Anglo-Indian community and no seat shall be reserved for the women of that community in the Assembly constituted after the second and the third general elections.”.

7. After article 334 of the Constitution, the following article shall be inserted, namely:—

“334A. Notwithstanding anything in the foregoing provisions of this Part or Part VIII, the provisions of this Constitution relating to the reservation of seats for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall cease to have effect on the expiration of a period of fifteen years from the commencement of the Constitution (Amendment) Act, 2004:

Provided that nothing in this article shall affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the then existing House, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be.”.

8. The amendments made to the Constitution, by this Act, shall not affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be, in existence at the commencement of this Act.

Amendment
of article
333.

Insertion of
new article
334A.

Reservation
of seats for
women to
cease after
fifteen years.

Amendments
not to affect
the representa-
tion in the
House of the
People or
Legislative
Assembly of
a State or the
Legislative
Assembly of
the National
Capital
Territory of
Delhi.

STATEMENT OF OBJECTS AND REASONS

Despite repeated attempts, the Parliament so far, failed to provide Constitutional guarantee for providing reservation of one third seats to women, both in Parliament and in State Assemblies.

It may be recalled that it was through Constitutional Amendments, that one third representation to women was reserved in Panchayats at the level of village, block and district. As this was practiced successfully, it is logical and reasonable that one third representations are reserved for women in Parliament and State Assemblies.

Women, as they represent nearly fifty per cent. of our population, actually deserve 50 per cent. representation in all the elected bodies. Due to several reasons, women are socially and politically discriminated. Gender discrimination and patriarchal attitude of Indian society has its roots in Indian history. It reflects even more in our socio-political life today and that is why when the fourteenth Lok Sabha has come into existence, we found that it has the least women's representation, comparing to many earlier Lok Sabhas.

It may be noted that Bills of the same nature were introduced in Parliament several times before. Let the fourteenth Lok Sabha take creative, constructive and sympathetic attitude to this problem and take historic decision in favour of reservation of one third seats to women in Parliament and State Assemblies.

Hence this Bill.

NEW DELHI;
June 8, 2004

C. K. CHANDRAPPAN.

BILL NO. 42 OF 2004

A Bill to prohibit the slaughter of cow and its progeny.

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny;

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

**Short title
and
commencement.**

1. (1) This Act may be called the Ban on Cow Slaughter Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place.

Prohibition
of slaughter
of cow.

4. No person shall sell or offer for sale or cause to be sold beef or beef products in any form for any purpose.

Prohibition
of sale of
beef.

5. Any person who slaughters a cow or is caught selling beef or beef products shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees one lakh or with both.

Punishment.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

YOGI ADITYANATH.

NEW DELHI;
June 25, 2004

BILL NO. 58 OF 2004*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.

Short title.

2. After article 45 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 45A.

"45A. The State shall endeavour to provide free nutritious food to all children being provided with free and compulsory education by the State."

Provision of free nutritious food to children.

STATEMENT OF OBJECTS AND REASONS

Generally children getting free and compulsory education in Government schools come from poor strata of the society. For these children, apart from education, food is always a major need. These children suffer from malnourishment and under nourishment. Proper nourishment is required for their better physical health. If nutritious food is provided by the Government free of cost to the children who are pursuing education, they will not have to work for food. In certain States, Governments are providing mid-day meal to students in schools on temporary basis. It should be made a permanent feature to provide mid-day meal in all schools by the Government. The students who are getting free education need to be provided food of calorific value three times a day as a matter of right.

Hence this Bill.

NEW DELHI;
July 21, 2004

SURAVARAM SUDHAKAR REDDY.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for provision of free nutritious food to all children being provided with free and compulsory education by the State. The Bill, therefore, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one thousand crore per annum from the Consolidated Fund of India.

A non recurring expenditure of rupees two hundred crore is also likely to be involved.

BILL No. 60 OF 2004

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.

Short title.

2. After article 47 of the Constitution, the following article shall be inserted namely:—

Insertion of
new article
47A.

"47A. The State shall set up one primary health centre in every village with all basic medical facilities.".

Duty of State
to set up one
primary
health centre
in every
village with
all basic
medical
facilities.

STATEMENT OF OBJECTS AND REASONS

Even more than fifty years after independence, the State has not fulfilled its commitment of 'Health for All'. In fact, it is becoming more and more difficult for people especially for those living in urban slums, villages or remote tribal regions, to have access to primary health services. The condition of Government hospitals is worsening day by day. Nowadays, in most of the Government hospitals there is inadequate staff, the supply of medicines is insufficient and the infrastructure is also inadequate to provide health care to the large population. At the village level the situation is much worse as there is no resident health care provider to attend to patients or to implement preventive measures. Due to lack of availability of Government health care services, the private hospitals are charging exorbitantly which is beyond the reach of poor people. This often leaves common people in rural areas with no other option but to resort to treatment from quacks. Thus the common man is being deprived of the basic right to health care, which is essential for healthy living.

Article 47 of the Constitution makes it the responsibility of the Government to regard improvement of public health as its duty. Yet the successive Governments are backtracking from fulfilling this responsibility. This is obvious from the fact that the allocation of expenditure on public health services has been declining over the successive years. It is, therefore, necessary to make an amendment in the Constitution with a view to making it the duty of the State to set up one primary health centre in every village with all necessary medical facilities including necessary infrastructure, staff, medicines etc. to provide basic health care to the people.

NEW DELHI;
July, 21, 2004

SURAVARAM SUDHAKAR REDDY.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a primary health centre with all basic medical facilities at village level throughout the country. This Bill, therefore, if enacted, is likely to involve a recurring expenditure of approximately rupees one thousand crore from the Consolidated Fund of India per annum in respect of setting up of health centres in Union territory and assistance to State Governments for setting up of the centres in the States.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

BILL No. 59 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.

Short title.

2. In article 43A of the Constitution, the existing clause shall be numbered as clause (1) thereof and after clause (1) as so numbered, the following clause shall be added, namely:—

Amendment
of article
43A.

"(2) The State shall, to secure the objective of clause (1), ensure that atleast one representative of workers, duly elected or nominated by the workers, is represented on the board of the undertaking, establishment or organisation.".

STATEMENT OF OBJECTS AND REASONS

Corporate governance is the slogan of the day and transparency is one of the major tools to achieve the goals of cardinal principles of corporate governance, i.e., involvement and share to all stake holders.

To ensure proper transparency and also to assure proper forum to discuss all issues pertaining to human resources development, workers participation in management was provided for in the Constitution. Since no State has, either by way of legislation or by any other means, have implemented the objective of article 43A of the Constitution, an amendment is sought to make it mandatory to ensure that atleast one representative of the workers is nominated on the Board of Management of an organisation to protect the interests of the workers.

Hence this Bill.

NEW DELHI;
July 21, 2004

SURAVARAM SUDHAKAR REDDY.

BILL NO. 52 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. This Act may be called the Constitution (Amendment) Act, 2004.
2. After article 21A of the Constitution, the following article shall be inserted, namely:— | Short title.
Insertion of new article 21B. |
|--|---|

"21B. All persons shall have a right to clean, safe and sustainable environment in such manner as Parliament may by law determine.

Explanation: For the purpose of this article, "Environment" means pollution free air, water and land.".

Right to clean, safe and sustainable environment.

STATEMENT OF OBJECTS AND REASONS

Rapid Industrialisation has no doubt accelerated the economic growth in the country but has also resulted in environmental degradation. Industrial effluents and emission of poisonous gases endanger the environment. Development without environmental considerations can cause serious environmental damage affecting the quality of life of the population—present and future. A number of studies reveal that air and water pollution are taking a heavy toll of human lives through ill health and premature mortality. Protection of environment is assuming a major challenge in the country. People are continuously raising their voice against environmental pollution and demanding protection of air, water and land from every kind of pollution so that they can get opportunity to live in a clean and healthful environment.

There is an urgent need to take necessary steps to protect the peoples' right to live in a clean and healthful environment. The Supreme Court has observed in several environment related cases that right to live in a clean and healthful environment is an integral part of the 'Right to life' mentioned in article 21 of our Constitution.

It is, therefore, necessary to include the 'Right to live' in a clean, safe and sustainable environment in the category of fundamental rights of the citizens which are enumerated in part III of the Constitution.

Hence this Bill.

NEW DELHI;

July 21, 2004

SURAVARAM SUDHAKAR REDDY.

BILL NO. 53 OF 2004

A Bill to provide for the development of heritage cities in the country and for matters connected therewith.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Heritage Cities (Development) Act, 2004.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) 'fund' means the Heritage Cities Development Fund constituted under section 3;

(ii) 'heritage city' means a city or town which has been declared as a heritage city by the Central Government under section 9 and is included in the Schedule to this Act; and

(iii) 'prescribed' means prescribed by rules made under this Act.

Establishment
of the
Heritage
Cities
Development
Fund.

3. (1) The Central Government shall establish a fund to be known as the Heritage Cities Development Fund for the development of heritage cities in the country.

Request for
declaration of
heritage cities
by the State
Governments.

(2) The fund shall consist of annual contribution by the Central Government after due appropriation by Parliament, contributions and donations received from any individual or organisation within or outside the country.

4. (1) On and after the commencement of this Act, any State Government or Union territory Administration concerned may request the Central Government to declare a city or town within their jurisdiction as a heritage city.

(2) The State Government or the Union territory Administration, as the case may be, shall while forwarding the request take into account the religious or tourist importance of that place or such other factors which in their opinion qualify the city or town to be declared as a heritage city.

Declaration
of a city as
heritage city
by the
Central
Government.

5. The Central Government shall, on receipt of a request from a State Government or the Union territory Administration, as the case may be, after taking into account such factors as may be prescribed, declare such city or town as a heritage city and take steps to include that city or town in the Schedule.

Details of
necessary
infrastructure
for develop-
ment of
heritage city.

6. The State Government or the Union territory Administration, as the case may be, shall, on inclusion of a city or town in the Schedule, send to the Central Government the details of infrastructure required and the estimated expenditure for development of heritage city concerned

Provision of
funds to State
Government
for develop-
ment of
heritage city.

7. (1) The Central Government shall on receipt of information under section 6, provide funds in lump sum or in instalments to the state Government or the Union territory Administration, as the case may be, for the development of the heritage city.

(2) The fund provided under sub-section (1) shall be utilized for the following purposes:—

- (i) construction of roads;
- (ii) construction of rest rooms/guest houses with necessary facilities;
- (iii) construction of public conveniences;
- (iv) construction of parks, gardens;
- (v) construction of hospitals/dispensaries;
- (vi) construction of bus stand/shelter and parking space for vehicles;
- (vii) construction of restaurants;
- (viii) construction of meditation/prayer halls, community halls, etc.;
- (ix) construction of shops;
- (x) construction of sewerage lines;
- (xi) desiltation of rivers or lakes, if any; and
- (xii) provision of safe drinking water.

8. It shall be the duty of every State Government or the Union territory Administration, as the case may be, to furnish the details of expenditure incurred on developmental works to the Central Government within a period of six months from the date of receipt of money out of the fund for the purpose of development of heritage city.

State
Government
to furnish
accounts to
the Central
Government.

9. If any State Government or Union territory Administration, as the case may be, does not utilize the funds for the purpose for which those were released or does not submit the return under section 7, the Central Government shall not release further instalments to such State Government or Union territory Administration.

Withholding
of funds in
case State
Government
fails to
utilize the
fund or file
returns.

10. (1) Each of the cities or towns specified in the Schedule are hereby declared to be a heritage city.

Declaration
of heritage
cities.

(2) The Central Government may, by notification in the Official Gazette, declare any other city or town to be a heritage city and on the publication of such notification such heritage city shall be deemed to be specified in the Schedule.

Power to
make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

THE SCHEDULE
[See sections 2(ii) and 9]

<i>Sl. No.</i>	<i>Name of City/Town</i>	<i>State</i>
1.	Mathura (including Janmasthan of Lord Krishna, Brindavan, Govardhan, Nand Gaon, Janmasthan of Radha, Barsana, Radhakund, Gokul, Dauji)	Uttar Pradesh
2.	Varanasi	Uttar Pradesh
3.	Ajmer	Rajasthan
4.	Katra Mata Vaishno Devi and includes Vaishno Devi Shrine	Jammu & Kashmir
5.	Amritsar	Punjab
6.	Rameshwaram	Tamil Nadu
7.	Palani	Tamil Nadu
8.	Shirdi	Maharashtra
9.	Ujjain	Madhya Pradesh

STATEMENT OF OBJECTS AND REASONS

There are innumerable towns and cities in our country which have heritage/tourist value. But they are not properly developed. States do not have adequate funds for creation of infrastructure facilities in those places. It is, therefore, required that Central Government should create a fund for the development of such places. If proper facilities are available, these cities will attract tourists which besides providing employment to the local population will also generate considerable revenue for the Government.

Hence this Bill.

NEW DELHI;
July 22, 2004

K. MANVENDRA SINGH.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Heritage Cities Development Fund. Clause 7 provides that the Central Government shall pay fund to State Governments for development of heritage city. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure to the tune of rupees five thousand crore will be involved. A non-recurring expenditure of about rupees two thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 56 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2004.

Amendment of article 85.

2. In article 85 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that each House shall sit and transact business for a minimum of one hundred and twenty days in a calendar year."

Amendment of article 174.

3. In article 174 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that the House or each House of the Legislature of States, where the Legislative Assembly consists of more than ninety members, shall sit and transact business for a minimum of one hundred days and where the Legislative Assembly consists of ninety or less than ninety members for a minimum of sixty days in a calendar year."

Insertion of new article 240A.

4. After article 240 of the Constitution, the following article shall be inserted, namely:—

Session of the Legislative Assembly of a Union Territory.

"240A. Where a Union territory has a Legislative Assembly, it shall sit and transact business for a minimum of forty-five days in a calendar year."

STATEMENT OF OBJECTS AND REASONS

Over the years there has been a steady decline in the number of sittings of the two Houses of Parliament and that of the State Legislatures. While the first Lok Sabha sat for 135 days in a calendar year, this number has now fallen below one hundred.

The situation in the States is still worse. While most of the State Legislatures meet on an average for between 45 to 55 days, the position in the case of others has been very dismal with this number being as low as seven sittings a year.

This trend to curtail the sittings of Lok Sabha/Rajya Sabha and the State Legislatures is alarming and quite destructive for the growth of a healthy democracy. The present provisions of articles 85(1) and 174(1) of the Constitution only stipulate that six months should not intervene between two successive sessions of the House. A pedantic interpretation of these provisions has led to this fall in the number of sittings of the Houses and the concomitant rise in the cynicism about their relevance and efficacy in the polity. These provisions were perhaps intended to ensure that not more than six months elapsed between the constitution of a House after fresh elections and not to provide for just three one-day sessions in a year.

To restore the due place of Legislature in our political system and to ensure adequate consideration of the agenda before them, it is imperative to provide for a minimum number of sittings. For Parliament, it should be atleast 120 days, for bigger States 100 days, for smaller States 60 days and for Union territories 45 days.

This Bill seeks to achieve this objective.

NEW DELHI;
July 29, 2004

PAWAN KUMAR BANSAL.

BILL No. 68 OF 2004

A Bill to provide for special financial assistance to the State of Uttaranchal for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of People and for the development, exploitation and proper utilization of its resources.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Uttaranchal Act, 2004.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Uttaranchal to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections

Short title
and
commencement.

Special
financial
assistance to
the State of
Uttaranchal.

of people or for the development, proper utilization and exploitation of the resources in the State.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

Act not in
derogation of
other law.

STATEMENT OF OBJECTS AND REASONS

Having been part of the erstwhile State of Uttar Pradesh, the region known as Uttaranchal remained socially and economically backward mainly because it was found impracticable to administer this region from the far away capital at Lucknow. The low pace of development in the region resulted in the agitation by the people of the region for a separate State. Ultimately, the Government of India respected the wishes of the people of the region and a new State of Uttaranchal was created. The State was also subsequently granted the special category status.

The State of Uttaranchal is socially and economically backward. Problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region and for initiating new development schemes are required to be addressed urgently and in a time bound manner. It is, therefore, necessary that the Central Government should provide some special financial assistance to the State of Uttaranchal for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step of providing financial assistance to this new born State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
August 12, 2004

K. C. SINGHBABA.

BILL NO. 71 OF 2004

A Bill to provide for constitution of a Rapid Action Force to control communal riots in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rapid Action Force Act, 2004.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Central Government shall constitute a Force to be known as the Rapid Action Force for controlling communal riots in the country or in any part thereof and performing such other duties as may be entrusted to it from time to time.

Constitution
of Rapid
Action Force.

3. The Central Government shall deploy the Force constituted under section 2 of this Act at the time of communal riots or where there is an apprehension of occurrence of communal riots in any part of the country on a request from the concerned State Government.

Deployment
of Rapid
Action Force.

Duty of
every
member of
Rapid Action
Force.

Act not to be
in derogation
of other laws.

Power to
make rules.

4. Every member of the Force shall be empowered to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

6. (1) The Central Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide, for—

(a) the constitution, governance, command and maintenance of discipline of the Force;

(b) the enrolment of persons to the Force and the recruitment of other members of the Force;

(c) the conditions of service of members of the Force; and

(d) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even in the fifty-fifth year of Independence, communal riots continue to break out in the country. Of late there has been some improvement, but our country is still facing the menace of communal riots. India is a secular country and all people irrespective of their caste, colour or creed have been guaranteed equal rights under the Constitution. Involvement of external forces in inciting communal disturbances is one of the reasons for the occurrence of such incidents. The poor and innocent people easily fall prey to their evil design. The outbreak of communal riots at one place affect the other parts of the country because of false propaganda and also due to rumours. Sometimes State Government machinery is unable to act swiftly and control such communal riots. It is therefore necessary to constitute a separate force to be known as Rapid Action Force to prevent and control the communal riots in any part of the country. The Bill seeks to make provision accordingly.

Hence this Bill.

NEW DELHI,
August 18, 2004

IQBAL AHMED SARADGI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the Rapid Action Force to control communal riots in any part of the country. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 69 OF 2004

A Bill to provide for reservation of seats in all educational and technical education institutions for children whose parents are living below poverty line.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title
extent,
commencement
and
application.

1. (1) This Act may be called the Reservation in Educational Institutions (For Children of Parents living Below Poverty Line) Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force at once.

(4) It shall apply to every educational institution which is maintained by the Central or a State Government or receives grant-in-aid from either Government or recognized by the Central or State Government or University established by an Act of Parliament or a State Legislature or deemed University.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of State and in other cases, the Central Government;

(b) "persons living below poverty line" means all such persons who according to norms fixed by the Central Government from time to time are living below poverty line.

3. There shall be reserved twenty-five percent of seats in all educational institutions including higher technical education institutions for children of parents living below poverty line:

Reservation of seats in educational institutions.

Provided that such benefits shall be restricted to only one child of the parents.

4. The appropriate Government shall bear all expenditure incurred on education of children of parents living below poverty line.

Appropriate Government to bear expenditure incurred on education.

5. The Central Government may by notification in the official Gazette make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Various surveys reveal that during the post-independence period, there has been considerable expansion in educational facilities and enrolment in educational institutions. Both the Central and State Governments have been expanding the provisions of formal and non-formal education to realize the goal of universalisation of education. Consequently, literacy rate has improved in the last few decades. According to census estimates, the literacy rate has increased by about 12 percentage points in a period of ten years from 52.21 in 1991 to 65.38 percent by 2001. However, a considerable part of our population still remains illiterate. The primary cause of illiteracy is the poverty prevalent in the country. 27 percent of our population is still living below the poverty line. Their income is so meagre that they live at the level of subsistence only. These poor people cannot afford the expenditure incurred on education of their children. It is, therefore, necessary that a certain percentage of seats in all educational institutions be reserved for children whose parents are living below poverty line. It will not only help in eradicating illiteracy from the country but also protect the interests of economically weaker sections of the society.

NEW DELHI;
August 18, 2004.

IQBAL AHMED SARADGI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall bear the entire expenditure incurred on education of children whose parents are living below poverty line in the country, the provision of which shall be made by the respective Governments in annual budget. The Bill, if enacted and brought into operation, will involve a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 75 OF 2004

A Bill to regulate the adoption of children and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Adoption of Children (Regulation) Act, 2004.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means the State Government in case of a State and the Central Government in all other cases; and

(b) “child” means a child irrespective of his sex who has not attained the age of eighteen years.

No person shall indulge in sale or purchase of a child.

No organization or institution shall have dealings in adoption of children.

Setting up of Centres for welfare, rehabilitation and adoption of children.

Procedure for adoption of a child.

Punishment.

Over riding effect of the Act.

Power to make rules.

3. No person shall indulge in the sale or purchase of a child in the country.

4. No organization or institution shall indulge in any activity connected with either the taking or giving in adoption of children in the country except as provided for in this Act.

5. (1) The appropriate Government shall set up a Centre to be known as the Centre for welfare, rehabilitation and adoption of children in each district of the State.

(2) The Centre set up under sub-section (1) shall take over all such organizations or institutions which are working in connection with the welfare, rehabilitation and adoption of children in that district.

6. (1) Any person who desires to adopt a child shall apply in the manner as may be prescribed by rules made under this Act to a Centre for adoption of such child.

(2) The person who adopts a child shall inform the respective centre about development and welfare of the adopted child from time to time until such child attains the age of eighteen years.

7. Any person who violates the provisions of this Act shall be punished with imprisonment for a term which shall not be less than six years and with a fine which shall not be less than one lakh rupees.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument/instruction having the force of law.

9. The Central Government may, by notification in the official Gazette, make rules for carrying out provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Recently, several cases of sale of children have been reported in newspapers. A number of non-governmental organizations and institutions, set up for the purpose of welfare and rehabilitation of orphans and helpless children have also been reportedly involved in nefarious dealings in children for monetary gains. There is no system of verifying the antecedents of persons who seek adoption. The loopholes enable child-trafficking in the name of adoption of children. At present, there is no law to effectively tackle sale of children.

It is, therefore, necessary to enact a law to regulate adoption of children.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 18, 2004

IQBAL AHMED SARADGI.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the setting up of a centre for welfare, rehabilitation and adoption of children in each district of the State. The Central Government will bear expenditure incurred in respect of Union territories and the State Governments will bear expenditure incurred in respect of States from their respective consolidated funds. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees three crore is likely to be involved.

A non-recurring expenditure of about rupees five lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 70 OF 2004

A Bill to regulate computer training centres and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

**Short title
extent and
commencement.**

1. (1) This Act may be called the Computer Training Centres (Regulation) Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the Central Government or the State Government as the case may be;

(b) "computer centre" means and includes a centre in which computer courses including advanced course in computer education are conducted for training is imparted to persons already knowing computer operations or where training is given to those who are aspiring for jobs in computer or related industries; and

(c) "prescribed" means prescribed by rules made under this Act.

3. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration with the appropriate Government.

Computer centres not to function without registration.

4. The in-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act shall apply to the appropriate Government within one month from the date of commencement of this Act, for obtaining registration in such form as may be prescribed.

Computer centres to apply for registration.

5. The appropriate Government shall, on receipt of an application under section 4 cause it to be scrutinized as to the genuineness of the computer centre and shall carry out such investigation as it may deem fit to ensure that the particulars furnished by the computer centre for registration are in order and that the, centre fulfils the conditions prescribed under the Act or rules made thereunder.

Scrutiny of an application.

6. On being satisfied that the computer centre fulfils the prescribed conditions, the appropriate Government shall issue a registration certificate in favour of the computer centre for such period as it may deem fit.

Issue of registration certificate.

7. The appropriate Government shall prescribe syllabus and fees for each course imparted by a computer centre.

Syllabus and fees.

8. On receipt of a complaint regarding the functioning of a computer centre, the appropriate Government shall cause the complaint to be investigated and a decision on it shall be taken within one month from the date of the receipt of the complaint.

Complaint to be investigated.

9. If, on the investigation, it is found that the complaint was in order, the appropriate Government shall forthwith cancel the registration accorded to the computer centre against which the complaint was lodged.

Cancellation of registration.

10. Any person who violates the provisions of this Act shall be punishable with imprisonment for a term which shall not be less than three years and with a fine which shall not be less than one lakh rupees.

Punishment.

11. The Central Government may, by notification in the official Gazette make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

A large number of computer training centres are functioning in the country without proper registration. These centres charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. Recently, there have been some instances in which the institutes closed down their operations without completing courses after collecting huge amount of money from students. Thus students are left in the lurch. In order to protect the interest of student community, there is a need to regulate the functioning of the computer institutions in the country.

The Bill seeks to provide for due registration of all computer training centres and also provides for punishment to those who are running training centres without proper registration.

Hence this Bill.

NEW DELHI;
August 18, 2004

IQBAL AHMED SARADGI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 72 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.
Short title.
2. Article 130 of the Constitution shall be renumbered as clause (1) thereof and after clause (1), the following clause shall be inserted, namely:—
Amendment of article 130.

(2) There shall be established a permanent bench of the Supreme Court at Chennai, consisting of such number of judges of the Supreme Court as the Chief Justice of India may from time to time determine, but not less than five in number, to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and Union territory of Pondicherry.”.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court, the apex Court of justice in the country is located in Delhi. The litigants have to come to Delhi in connection with their cases in Supreme Court. Countless other people have also to come to Delhi in response to the summons of the Supreme Court.

India being such a vast country, all such visits to the Supreme Court from far off places exact a very high cost in terms of time and money on litigants. This is more so, in case of people coming from southern India. From the administrative point of view also serving of notices, paper work, postal exigencies in regard to distant places are leading to staggering of cases, postponement, ex parte decisions, etc., the major reasons behind delays in delivery of justice.

Under these circumstances creation of a bench of the Supreme Court in southern India is the crying need of the hour.

Chennai, the cyber city of the nation, is ideally suited for the purpose and is having infrastructure and other facilities. It is also well connected both within the region and with Delhi.

In case a bench of the Supreme Court is set up here it would not only save the time and money of the litigants but will also help in the expeditious disposal of cases.

The Bill accordingly seeks to amend the Constitution of India.

NEW DELHI;
August 25, 2004

S.K. KHARVENTHAN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a bench of the Supreme Court at Chennai. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty lakhs per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

BILL NO. 88 OF 2004

A Bill to provide for compulsory buying of indigenous goods by Government establishments and also for public works or industry being established or run with the aid or assistance of public funds and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called as the Buy Indian Act, 2004.

(2) It extends to the whole of India.

(3) It shall apply to all projects, industrial or business enterprises set up or to be set up with the grants or out of public fund.

(4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest to help, promote and consolidate the growth and development of indigenous industries and indigenous goods in the context of the liberalized economic policy of the Government.

Short title,
extent,
application
and
commencement.

Declaration as
to expediency
of promotion
of indigenous
industries and
goods.

Definitions.

3. In this Act, unless the context otherwise requires:—

(a) “industrial establishment” means any premises including the precincts thereof where any systematic activity is carried on by owner, or through any agency, including a contractor or sub-contractor, for manufacture, production, supply or distribution of goods or services for sales or business or both with a motive to make any gain or profit and includes all industrial undertakings;

(b) “ancillary industrial undertakings” means an industrial undertaking to be regarded as an ancillary to industrial undertaking for the purposes of this Act;

(c) “goods” means goods as defined in the Sale of Goods Act, 1930 and includes all materials, articles, commodities and all other kinds of movable properties relating to industry or industrial undertaking including ancillary industrial undertaking with the meaning of this Act;

(d) “indigenous goods” means and includes goods which are produced, manufactured, grown, mined or processed in India but excludes the products produced or manufactured out of raw materials imported into India.

(e) “owner” in relation to any industrial undertaking, means the person, who, or the authority, which has the ultimate control over the affairs of the undertaking, and, where the said affairs are entrusted to a manager, managing director or managing agent; such manager, managing director or managing agent shall be deemed to be the owner of the undertaking.

(f) “public fund” means and includes all financial facilities, assistance or grant by the Central or a State Government, its agencies, financial institutions or its undertakings.

4. Every Government establishment, public works or industry being established or run with the aid or assistance of public fund shall, for all its requirements, buy indigenous goods unless the use of such indigenous goods is:—

(i) to be made outside India;

(ii) not in public interest or detrimental to the project; and

(iii) not available indigenously in the specified qualities or within required delivery schedule.

5. Notwithstanding anything contained in any statute for the time being in force, or in any contract, every industrial establishment or the Government Department while setting up establishment or undertaking expansion work or running any industries including ancillary industrial undertakings or executing any public work in India, with the aid of public funds, subject to section 4 shall procure indigenous goods for the purpose of carrying out its trade or manufacturing or any other activity for which the industry or the Government establishment has been set up.

6. Every contract for construction, modification, modernization, installation, alteration, repairs of any public works or industrial establishment being undertaken with the use of public funds shall contain a provision providing that the contractor or sub-contractor or executor or any other person responsible for carrying out such job shall for the performance and execution of the job, use only indigenous goods subject to the conditions specified in section 4.

7. (1) It shall be obligatory on the part of owner/occupier of the Industrial establishment or Head of the Department concerned controlling such industrial undertaking or establishment to ensure that the contractor or sub-contractor executing any job or work in any such industrial establishment procures material or goods from the sources permissible under this Act and the contractor shall give a declaration that he shall comply with the provisions laid down in sections 4 and 5.

Compulsory buying of Indigenous goods by Government establishment etc.

Procurement of input material.

Compulsory contractual agreement.

Termination of contract in case of violation of provisions of the Act.

(2) If any contractor or sub-contractor procures any material or goods in violation of this Act, the contract shall be immediately terminated irrespective of any provision contained in the said contract and such termination of contract shall be at the risk and cost of the contractor who shall be liable for all the consequences including the costs of completion of the work/job.

8. (1) Every person undertaking execution of any contract or work or job requiring procurement of goods, material input which are not indigenous goods shall make an application to the head of the department, organization or agency, to that effect.

(2) The authority, to whom such application has been submitted, shall examine the same and, if found essential for the completion or execution of the works, shall forward the same to the Secretary of concerned department of Central Government or the State Government, as the case may be, with its recommendations/comments for necessary clearance.

(3) The Secretary upon receipt of recommendation from the authority concerned shall give his decision within fifteen days from the date of receipt of such recommendation.

9. (1) A person including an owner/occupier, head of an industrial establishment, contractor, sub-contractor or agent of an industrial establishment who contravenes or attempts to contravene or abets the contravention of the Act or rules made thereunder or any direction issued by the Central Government or the financial institutions/Banks providing financial aid or grant to any scheduled industries or group of scheduled industries, shall be punishable with fine which may extend upto five times of the price difference between the indigenous goods and the same procured or imported from outside India and in case of continuing contraventions, with an additional fine which may extend upto two times of the fine imposed as aforesaid for every fortnight during the continuance of the contravention.

(2) If the person contravening any of the provisions of the Act or the rules framed thereunder or any direction issued by the Central Government or financial institutions or banks providing financial aid is a company, every person, who at the time the offence was committed, was incharge of and responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention.

Explanation—For the purposes of this section—

(i) ‘owner’ shall mean “directors” in relation to a company and partners in relation to the firm;

(ii) “company” means a body corporate duly incorporated under the Indian Companies Act, 1956 and includes a partnership firm or other association of individuals.

1 of 1956.

10. If any person,

(a) when required by this Act or by any order or direction made under this Act or rules framed thereunder to make any statement or furnish any information, deliberately makes false statement or furnishes any false information or which he knows or has reasonable cause to believe to be false or does not believe to be true; or

(b) makes any false statement or furnishes false information as aforesaid in any of the records, accounts, returns or other documents which he is required by the Act or the rules or any direction or order under this Act or rules framed under this Act, to maintain and furnish,

he shall be punishable with imprisonment which may extend to three months or with fine which may extend to rupees fifteen thousand or with both.

11. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any interested person, or a Government agency.

Procedure for procurement of non-Indigenous goods.

Punishment for contravention of the provisions of the Act.

Penalty for false statement.

Cognizance of offences.

Burden of proof in certain cases.

12. Where any person is prosecuted for contravening any of the provisions of this Act or rules framed under the Act the burden of proving his innocence shall lie on the person or instrument making such complaint.

Jurisdiction of courts.

13. No Court inferior to that of a Presidency Magistrate or a Magistrate of First Class shall try any offence punishable under this Act.

Power to exempt in special cases.

14. If the Central Government is of the opinion, having regard to the amount of the public fund involved in the project or of the strategic importance, it may exempt, subject to such conditions as it may think fit, to impose on any industrial undertaking or ancillary industrial undertaking or factory or group of industrial undertakings, ancillary, industrial undertakings, or factories as it may specify in the notification, from the operation of all or any of the provisions of this Act or any rule or order made thereunder.

Power to make rules.

15. The Central Government, may by notification in official gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to encourage the growth and development of indigenous industries by giving constructive preference in procurement of goods produced in India. In view of the major changes introduced in the Indian economy and the liberalization of industries and trade policies since July, 1991, the need is felt for giving encouragement to articles, materials, supplies which have been mined, produced or manufactured within the country for safeguarding and promoting the interest of domestic industries including domestic agricultural products.

The leaders of our freedom struggle had started a swadeshi movement for economic independence of the country. It is our national duty, too, to give protection to indigenous goods. In the new economic scenario for a developing country like India, the Government's role in infrastructure projects like power, road, national highway, ports, communication, railways, bridges, defence activities, refineries etc. continues to be predominant. The public procurement of raw materials and inputs for the purpose of various ongoing and new projects plays a crucial role in generating a high demand for various industrial products in a country like India which is at the threshold of take-off stage for all round economic development.

It is the primary concern for a country, be it highly developed or developing, to see that the domestic industries set up with the help of massive investment, manpower and technology continue to receive positive support in the form of higher demand generation. In situations where the inputs procured from the domestic sources satisfy all eligibility criteria like prices, technical dimensions and delivery schedules and the funds for the same are being provided from public resources or from borrowed fund by State or public agency, it can have a preferential treatment for procurement from domestic sources. Such measure is compatible to the provisions made in several countries.

It is expedient in the public interest to develop the indigenous industries without affecting in any way the quality and other aspects of the overall development. As such an Act to encourage the growth and development of indigenous industry including domestic agricultural products needs to be enacted by Parliament in the fifty-fifth year of the Republic of India.

NEW DELHI;
August, 17, 2004

SUNIL KHAN.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power, therefore, is of a normal character.

BILL No. 77 OF 2004

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

Amendment
of article
275.

1. This Act may be called the Constitution (Amendment) Act, 2004.

2. In article 275 of the Constitution, in the clause (1), after the second proviso, the following proviso shall be inserted, namely:—

"Provided further that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenue of the State of Himachal Pradesh every year to the tune of rupees five thousand crore for development of hilly and remote areas in that State."

STATEMENT OF OBJECTS AND REASONS

Himachal Pradesh, as the name suggests, is a hilly State. The State consists of many big and small hills and remote areas. For proper development of these areas, sufficient money is required. Even after 57 years of independence, many of the tribes in the remote areas of the State have not seen and experienced any civilization.

It would be in order if the Central Government diverts sufficient funds through grants to Himachal Pradesh every year for all round development of hilly and remote areas in the State.

NEW DELHI;
August 26, 2004

SURESH CHANDEL.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that a sum of rupees five thousand crore shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenue of the State of Himachal Pradesh per annum for development of the State.

This will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees five thousand crore per annum. No non-recurring expenditure would be involved from the Consolidated Fund of India.

G.C. MALHOTRA,
Secretary-General.